

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LARRY DALE JOHNSON,	:
Petitioner	:
v.	:Case No. 3:11-cv-159-KRG-KAP
WARDEN, F.C.I. FORT DIX,	:
Respondent	:

Report and Recommendation

Recommendation

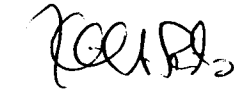
Petitioner Johnson filed a pleading at docket no. 23 docketed as a Motion for Reconsideration. It should be denied.

Report

The motion is not a true motion for reconsideration. It mostly complains that the low percentage of success inmates have in litigation is evidence of bias against petitioner. That is the elementary logical fallacy of affirming the consequent. A typical faulty syllogism is: 1) if there were an invisible cat in the room I couldn't see it; 2) I can't see any cats; 3) therefore there is an invisible cat in the room. Petitioner similarly asserts that 1) if judges were biased, inmates would have a low success rate; 2) inmates in fact have a low success rate; 3) therefore judges are biased. That the lack of merit to the litigation might also be a factor does not occur to petitioner. Because the motion has no more merit than the original petition, the motion for reconsideration should be denied.

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have fourteen days to serve and file written objections to this Report and Recommendation.

DATE: 10/15/12



Keith A. Pesto,
United States Magistrate Judge

Notice to counsel of record by ECF and by U.S. Mail to:

Larry D. Johnson Reg. No. 65400-065
Fairfield Facility
500 Union Avenue
Fairfield, CA 94533